9-26-75 W.Post

FBI Veiled Illegal Break-Ins

By George Lardner Jr.
Washington Post Staff Writer

CHARLES BRENNAN
tells of FBI system

With top-level approval, the FBI carried out hundreds of illegal break-ins under an elaborate "Do Not File" system that kept all trace of the burglaries out of regular bureau files.

Members of the Senate intelligence committee, which began delving into the so-called "black bag jobs" yesterday, said they were shocked by the devious manner in which the burglaries of "domestic subversives" were authorized.

"It's really the perfect cover-up," declared Sen. Richard S. Schweiker (R-Pa.).

Under the system, which appears to have been discontinued, FBI officials, Schweiker pointed out, could even submit affidavits in court saying that bureau records contained no indication of this or that break-in.

"It would be technically telling the truth, yet it would be a total deception," Schweiker said.

"Pure frightening," Sen. Howard H. Baker Jr. (R-Tenn.) agreed later.

The statistics on the burglaries, admittedly incomplete, were not supplied to the committee until the night before

See CHURCH, A7, Col 1

FBI Made Hundreds Of Illegal Break-ins

CHURCH, From A1

yesterday's hearing, staff members said.

Chairman Frank Church (D-Idaho) said the report showed 238 break-ins between 1942 and April of 1968 against 14 so-called "domestic subversive targets."

In addition, at least three other "domestic subversive targets" were subjected to numerous entries from October, 1952, to June, 1966. Of these, the FBI said, "since there exists no precise record of entries, we are unable to retrieve an accurate accounting of their number."

The Washington Post reported in July that the FBI until 1966 conducted dozens and occasionally more than 100 burglaries of all kinds each year, against targets ranging from domestic extremist groups and the Communist Party to foreign embassies and ordinary criminal cases.

The Church committee did not make public any information concerning FBI break-ins at foreign embassies and consulates. For its part, the FBI apparently did not bother to submit a count of the break-ins involved in criminal cases, on grounds that all these were done simply for the purpose of installing "authorized" eavesdropping devices.

According to other documents, the late FBI Director J. Edgar Hoover ordered all "black bag jobs" stopped in mid-1966 after a report from Assistant FBI Director William C. Sullivan acknowledging that they were "clearly illegal." The operations were so designated because the burglar's tools were often carried in a small black bag.

Addressed to high-ranking Hoover aide Cartha D. DeLoach and dated July 19, 1966, the Sullivan memo nevertheless praised the technique as "a very valuable weapon which we have used to combat the highly clandestine efforts of subversive elements seeking to undermine our nation."

Alluding to one recent "black bag job," Sullivan said it produced complete membership and financial records of one organization "which we have been using most effectively to disrupt and, in fact, to bring about its near disintegration."

The name of the organization was carefully deleted by the Church committee staff from the copies of the memo handed to the press, but Sen. Robert Morgan (D-N.C.) indicated at one point that it referred to a burglary of some Ku Klux Klan headquarters in Louisiana, around March of 1966.

Moments later, after a whispered conference, Morgan dropped the line of questioning, saying he'd been told "we've reached an agreement not to talk about specific cases."

Committee counsel Fritz Schwarz said FBI officials had not yet "declassified" the details.

Elaborating on the procedures used to approve "black bag jobs," the Sullivan memo said the system then in effect required detailed requests from FBI bureau chiefs for eventual submission in memorandum form to either Hoover or his longtime aide, the late Clyde Tolson, for approval.

"Subsequently, this memorandum is filed in the assistant director's office under a 'Do Not File' procedure," Sullivan explained. Meanwhile, "in the field, the special agent in charge prepares an informal memorandum showing that he obtained bureau authority and this memorandum is filed in his safe until the next inspection by bureau inspectors, at which time it is destroyed."

Testifying at yesterday's hearing, Sullivan's successor, former Assistant FBI Director Charles Brennan, said the system meant that the headquarters memos reflecting Hoover's or Tolson's approval would be tucked away in the safe of the appropriate assistant director. There, he said under questioning by Schweiker, it would be kept out of the regular bureau files files.

Schweiker pointed out that regular FBI files carry serial numbers. As a result, those records cannot be destroyed without leaving a missing

number, a telltale sign that something has disappeared.

The system also guaranteed peace of mind for agents in the field offices, knowing that authorizing memos could be shown to bureau inspectors and at the same time knowing that those memos were going to be destroyed, Schweiker marveled.

"It looks to me as though the bureau has perfected a better technique . . . a lot more sophisticated and refined than the 'plausible denial' of the CIA," Schweiker said. "I think we've just touched the tip of the iceberg."

The three-page Sullivan memo ended with an edict in Hoover's handwriting decreeing that "no more such techniques must be used."

Under questioning by Schwarz, Brennan said the FBI director had never shown any legal qualms about such illicit operations in earlier years. Instead, he suggested that Hoover began to grow uneasy after reaching mandatory retirement age (70) in 1965 about any operations that might be embarrassing to the bureau and thus force his ouster.

Although President Johnson waived Hoover's retirement, Brennan said that from 1965 on the FBI director was holding his job largely on an "annual renewal" basis. "That put him into a somewhat vulnerable position," Brennan told the committee.

Morgan objected to the line of questioning as too speculative and it was dropped.

Although Hoover, who died in 1972, evidently called for an end to the break-ins in 1966, they did not stop entirely. In a Jan. 6, 1967, note to Tolson and DeLoach, the FBI director complained that "requests are still being made by bureau officials for the use of 'black bag' techniques." He said he would not approve of any more of them.

The FBI statistics showed the last "domestic subversive" break-in was conducted even after this, in April of 1968. Asked if that was the cutoff year, Church told reporters: "Yes, that is my understanding, with one possible exception." He did not elaborate.